

Hawaiian Gazette.

VOL. XXXIX, NO. 87.

HONOLULU, H. T., FRIDAY, MAY 6, 1904—SEMI-WEEKLY.

WHOLE No. 2587.

RUSSIANS LOST NEARLY 4000 MEN IN THE BATTLE

The Czar Deeply Grieved Over the Reverses to His Arms on the Yalu River.

(ASSOCIATED PRESS CABLEGRAMS.)

ST. PETERSBURG, May 4.—The Emperor is deeply grieved over the reverses of his army on the Yalu river. General Kuropatkin reports the loss of nearly 4000 men. General Zassalitch is blamed for having disobeyed the orders to retreat and not engage in heavy fighting.

JAPANESE CELEBRATE.

TOKIO, May 4.—There was a great celebration here last night over the land victories. The Japanese loss on the Yalu is 798 killed and wounded.

JAPANESE TORPEDO BOATS SUNK.

PORT ARTHUR, May 4.—The crews of the Japanese fireships which were sunk yesterday put to sea in boats. The Russians killed many and twenty were rescued who are held as prisoners. Two Japanese torpedo boats were sunk.

LONDON, May 5.—The opinion is gaining ground here that the Japanese have finally blocked Port Arthur.

JAPAN STILL CELEBRATES.

TOKIO, May 5.—The popular celebration of the Japanese land victory continues.

REVISED RUSSIAN CASUALTIES.

ST. PETERSBURG, May 5.—It is officially reported that the Russian loss at Kinlien-Cheng was 2000 men and 40 officers. Seven hundred wounded have arrived at Feng-wang-Cheng. It is believed that a determined stand will be made at Feng-wang-Cheng for the purpose of preventing the Japanese from isolating the Liaotong peninsula.

JAPAN BUYS GERMAN STEAMERS.

BERLIN, May 5.—The North German Lloyds has sold Japan eight fast steamers.

JAPANESE LOAN NEGOTIATION.

NEW YORK, May 5.—Negotiations are concluding in London for a Japanese loan of \$25,000,000.

TOKIO, May 6.—It is officially announced that a Japanese force is landing on the Liaotong peninsula. The place of debarkation and the number of men are withheld.

RUSSIA WILL LET THEM LAND.

ST. PETERSBURG, May 6.—It is not expected that the Russians will undertake to prevent the landing of a Japanese army on Liaotong peninsula. They will strike after the forces are ashore. If the Japanese are successful in landing at Pitz-wo they can isolate Port Arthur.

FEARS FOR PORT ARTHUR.

LONDON, May 6.—Viceroy Alexieff has gone to Port Arthur to visit Gen. Kuropatkin. This is interpreted to mean that he fears Port Arthur is in danger of isolation.

AFTER CHINESE RAILROADS.

SHAN-HAI-KWAN, May 6.—M. Pavloff, the Russian diplomat, has gone to Peking to try and induce China to cede Russia the railways to Kou-pang-tse and Yinkow, to use for military purposes.

ANOTHER UNCONFIRMED RUMOR.

ST. PETERSBURG, May 6.—There are persistent rumors that the Vladivostok squadron has engaged the Japanese.

AFTERNOON REPORT.

TOKIO, May 5.—A further search on the Yalu battlefield has resulted in finding 300 more wounded Russians, who have been taken in charge by the hospital corps.

ST. PETERSBURG, May 5.—An unconfirmed report says that the Russians were victorious in a great battle at Kiulien-cheng. The Russian loss in the engagement is placed at 7,000 men, while the Japanese are reported to have retreated after losing 10,000 men.

PARIS, May 4.—The Russian loss of two hundred million dol-

lars has all been subscribed in France and Belgium.

PORT ARTHUR, May 5.—A number of Japanese transports have arrived at Pitzwo. A Japanese squadron is in the same vicinity. An attack and attempt to land troops from the transports is expected.

LONDON, May 5.—A Japanese loan of fifty million dollars will be issued next week. Half of the loan has been taken by American capitalists.

LILIUOKALANI AT THE FAIR.

ST. LOUIS, May 6.—Hawaiian Delegate Kalanianaole and former Queen Liliuokalani have arrived here for a few days' visit at the fair.

DEBS REAPPEARS AS A SOCIALIST STANDARD BEARER

CHICAGO, May 6.—The socialists, in convention here, have nominated Eugene Debs for President.



EUGENE V. DEBS.

Eugene V. Debs, the Socialist Labor Party's candidate for President, first won fame as the organizer of the great railway strike at Chicago in 1894. As Socialist Democrat candidate for President in 1900, Debs secured a total of 96,918 votes, but of course failed to get a single electoral vote.

RAW SUGAR SOLD IN NEW YORK AT \$75.10 PER TON

The Henry Waterhouse Trust Company received a cablegram yesterday from Ed. Pollitz & Co., San Francisco, stating that raw sugar sold in New York at 3.75, equalling \$75.10 per ton.

Hawaiian Commercial & Sugar Company shares were quoted on the San Francisco Stock & Bond Exchange at \$49.50, bid.

Hawaiian securities listed on the Exchange were strong and advancing.



THE JAPANESE NAVAL ACADEMY NEAR TOKIO.

DEATH OF FAMOUS HUNGARIAN NOVELIST

BUDAPEST, May 6.—Jokai, the novelist, is dead.

Maurus Jokai was once the national hero of Hungary. He was the author of over 300 books. He had been a poet, patriot, journalist, dramatist, and novelist and his books translated into English have had great vogue. Four years ago, at the age of seventy-nine, Jokai married an obscure Jewish girl, an actress, and since that time he has been cordially hated by the great mass of Hungarians who formerly loved him as their prophet and leader. He and his girl wife were shunned by society.

Jokai's career would be amazing even without the social struggle which has made his later days discouraging. He had published a successful novel before he was out of his teens. When he was only twenty-three he was one of the foremost figures in the stormy days of 1848, when Hungary shed much blood in trying to get her rights from Austria. By his fiftieth birthday, more than a quarter of a century ago, he had published no less than 200 books, and since then he has published more than a hundred others, making a total that probably breaks all literary records. On top of all this activity Jokai was for many years a prominent member of the Hungarian Chamber of Deputies in which he won great fame as a patriot and an orator.

Jokai's first wife was Rosa Laborfalvi, the celebrated Hungarian tragedienne, a favorite of the Magyars. Fourteen years after her death the aged Jokai married the young Jewish actress. The people considered this an insult to the first wife and when his second wife tried a year after her marriage to resume her place on the stage she was mobbed by Hungarian students and forced to quit. For the past couple of years Jokai and his girl wife have led a very quiet life.

HEARST IN WASHINGTON.

OLYMPIA, May 6.—The Democratic State convention has elected seven Hearst and three anti-Hearst delegates. Senator Turner is endorsed for Vice-President.

TORNADO ON THE PLAINS.

KANSAS CITY, May 6.—A tornado has swept over Iowa, Oklahoma, Nebraska and Kansas, doing considerable damage.

CISCO, Texas, May 6.—It is reported that many have been killed in this section by a tornado.

LIGHTHOUSE IMPROVEMENTS AWAIT SATISFACTORY TITLES

Further work on the improvement of the lighthouse system in Hawaii is held up until the United States gets a clear title to all lands used for lighthouse purposes. Captain Niblack, lighthouse inspector for the islands, has received instructions from the Light House Board to delay contemplated work on lighthouses until the Attorney General has passed upon titles to the lands used for such purposes. Captain Niblack will immediately investigate the titles to the various sites of federal lights, and submit the deeds etc., to the Light House Board for further submission to the Attorney General. The United States never makes permanent improvements of any kind until the title to proposed sites is secured to the satisfaction of the Attorney General. The lighthouse work in the islands may be delayed for several months or even longer.

LITTLE LIVE STOCK IN JAPAN.

The department of commerce and labor verifies a recent statement that the Japanese raise comparatively little live stock. The total number of cattle in the islands, it reports, is only 1,282,341, or 28.62 for each 1,000 inhabitants. In this country we have 70,000,000 cattle, or about forty times as many in proportion.

JUDGE LITTLE OUT OF JUDGESHIP RACE

A wireless telegram from Judge Gilbert F. Little, LL. D., Ph. D., \$10, came yesterday saying that he had withdrawn his candidacy for the Circuit Judgeship in favor of H. L. Ross.

Mr. Ross is a partner in the law firm of Wise & Ross, Hilo. The Advertiser of Feb. 19, 1902, stated:

"Homer L. Ross was admitted to practice in the Territorial courts yesterday. The petitioner was admitted to the bar in Iowa in 1886, and bears a letter of recommendation from Leslie M. Shaw, former Governor and now Secretary of the Treasury. Mr. Ross will open an office in Hilo."

The Advertiser of Feb. 8, 1902, continued:

"Hilo, Feb. 8.—Just because Assistant Attorney General H. A. Denison resigned from office Judge Little, in his desire not to interfere with Denison's resignation and in view of his own poor health, withdrew his name from consideration for the judgeship. Little wired to the U. S. Justice for instructions for his withdrawal from the race, and when he did so, he said he would not interfere with the appointment of H. L. Ross to the judgeship."

GARDEN ISLE EXPEDITION

Governor's Party Will Land This Morning.

(From Wednesday's Advertiser.)

Kauai is to have its executive visitation today, lasting for exactly one week. Maui will have to wait, though, as elsewhere shown, not in neglected plight, until after the Governor's return from the mainland.

Governor Carter, Secretary Atkinson, Land Commissioner Pratt and Forester Hosmer will constitute the governmental visitors to the Garden Isle. They land at Nawiliwili from the steamer W. G. Hall this morning, to devote the day to Lilie and neighborhood. Tomorrow their center of activity will be Koloa, and Friday it will be Makaweli. Waimea and surrounding plantations will be explored on Saturday. On Sunday the party will take the steamer Mikahala from Waimea across to the famed Kalalau cliffs, landing there or anywhere near that may be feasible. Hanalei district will be reached from thence across country, and on Monday the party will proceed to Kilauea or Kapaa. They will catch the Mikahala on Tuesday, to arrive in Honolulu the next morning.

Such is the itinerary as skeletonized by Secretary A. L. C. Atkinson just before departure yesterday. As to the specific objects of the expedition he mentioned that there were three especially pretty land tangles on Kauai to unravel. The spending of appropriations in manner to do the greatest good to the greatest number would be a prime lookout. Public works would be inspected and noses rubbed with the people generally.

Governor Carter went more into detail. When he found that the Legislature was going to reach an early adjournment, he at first thought he would take in both Maui and Kauai before leaving for the mainland. But he found the strain of the Legislature severer than he had anticipated and, secondly, the Governor said:

"When I go on these trips I like to make them as thorough as possible."

Yet he could not put off the Kauai trip, since finding he might take it in alone, because there was a variety of matters on that island particularly needing attention.

"There is the question of liquor licenses," he proceeded to explain. "I feel that I do not know enough about the situation to act on applications without personally visiting the ground and ascertaining from local residents what their wishes were."

"Again there are land matters involving a considerable amount of money in present valuing and in revenue to come. A curious predicament exists with respect to the Kaihiwai bridge. The contract has been let, the material is on the ground and the bridge is going up, but I find we have neither right of way nor money for the purchase of approaches on either side."

Judge Dole had called on the Governor while he was talking about these matters and from his local knowledge of the bridge site gave some information likely to be useful.

"I shall leave Maui until I get back from the mainland," Governor Carter concluded, "and will then be able to make the visit more thorough."

CATTLE FEEDING PROBLEMS IN HAWAII

To the Gazette:—W. H. C., a subscriber in Hawaii, writes:

"I am particularly interested in the fattening of cattle and would ask your advice as to how and what to feed under the following conditions. We can raise our own corn at 35 cents per cwt. and we have two or three native grasses that grow all through these islands and are very fattening. The cattle feeding on these grasses fatten in from six to eight weeks. Would the weight put on by feeding corn in addition to these grasses pay? We have a very uniform temperature all the year round and at an elevation of 3,000 ft. Also advise me as to how large a pen I should have and how to build one to fatten 50 head per month. We get 10 cents per pound dressed weight for our beef. Should the corn be ground or fed whole?"

Our subscriber's inquiry brings out many points of interest in connection with the opportunities for beef production in Hawaii. With native grasses possessing the fattening properties claimed by our subscriber and corn at 35 cents per cwt. the people of Hawaii enjoy possibilities for the economic production of beef not to be found elsewhere in many, if any, parts of the world.

Experiments in this country have indicated very clearly that during the early summer months when there is an abundance of grass, the pasture lot alone furnishes the most economical method of producing gains on fattening cattle. While heavier gains were usually obtained when grain or corn was fed, the cattle were fed to fattening cattle on grass pastures the gains were made at so low a cost as when the grain was utilized. Most of our herds, however, had a light ration of grain to cattle in order to produce the maximum results on a given area of grass, also marked the result when grain was fed in its dry state, when no moisture is an important factor. The price of grain is often very high due to the cost of shipping it to Hawaii. It is evident that a greater part of the cost of a cattle product is the cost of shipping it to Hawaii.

healthy condition, half-fat, medium-fat and so on, but very rarely an animal in prime condition. At any of our leading stock yards markets a fat steer is a fat steer and nothing else. It is very doubtful if the cattle referred to by our subscriber as becoming fat in from six to eight weeks are really fat animals—animals which would sell as such, for instance, the Union Stock Yards, Chicago. On the contrary they would very likely be classed among that large class which finds its way to all of our markets before it is really "warmed up." With corn at 35 cents per cwt. your subscriber has very cheap grain feed. If he wishes to fatten his cattle in a short period of time, so that he may handle a larger number each year, it will very likely be profitable to feed a limited amount of corn in connection with the native grasses. If the cattle are of a fair quality there should be good money in feeding corn at the price stated when 10 cents per pound can be obtained for the dressed beef. This is about 2 cents per pound more than our cattle feeders are getting for beef produced from corn costing from 75 to 90 cents per cwt.

Where grain is fed to cattle on grass it should be fed but once a day and that in the evening. The cattle will usually make much better use of it then, as they are more restful, thus have a better chance to digest the corn before it passes through them. Where the temperature is so mild and even throughout the entire year it would be poor economy to spend much money in pens for feeding purposes. Where shelter is not needed the grain may be fed to good advantage in the pasture lots providing good strong feeding bunks or troughs are provided. This will save a great deal of unnecessary labor which would otherwise be involved in yarding the cattle. The feed-troughs or bunks should be from 3 to 4 feet wide and about 16 feet long, so that from twelve to fifteen animals may feed at the same time without injury or too much crowding. The bunks should be about 3 feet high from the ground and have side and end pieces about 6 inches in height to keep the feed in place. They should be built on good stout legs which should slant outwards as they approach the ground so as to make them more stable and less liable to be knocked over by the animals. Grinding corn usually saves 10 to 12 per cent; thus the advisability or non-advisability must be determined by the cost of grinding and the price of corn. At the prices stated it is not likely that grinding would be economical. Where hogs follow the cattle they utilize a large amount of the corn which passes through the animals undigested, thus reducing the waste to a minimum.

W. J. KENNEDY.
Iowa Experiment Station.
Breeder's Gazette.

THE DEATH OF FRED YOUNG

(From Wednesday's Advertiser.)

IN MEMORIAM.

The day is glad, the white-capped waves
Are singing on the azure sea,
All nature smiles in sweet content,
The birds are warbling merrily.

The world is like a happy child
That lightly draws its joyous breath,
With warmth and life within its veins,
Whilst thou, my friend, art mute in death!

So cold in death! Oh! God, and why
Shouldst thou so soon his spirit take,
This upright, brave and gentle soul,
Whose work was ever for thy sake?

The ways of God indeed are strange!
But if some happy sphere there be
Where genial souls together band,
With joy, dear friend, they'll welcome thee!

P. MAURICE M'MAHON.
Honolulu, May 2, 1904.
To Fred Young, late Physical Instructor
Y. M. C. A.

Fred Young, Physical Director and Assistant Secretary of the Y. M. C. A., died yesterday morning at 6:30 o'clock at the Queen's Hospital. Death ensued after three weeks' illness, the cause being tubercular meningitis. The remains will be cremated and private services will be held at 3 o'clock this afternoon at St. Clement's church. The interment will take place in the Y. M. C. A. plot in Nuuanu Cemetery.

Mr. Young was a native of England, having been born in Southampton about thirty years ago. His parents died while he was quite young and he came to the United States at the age of 12. He graduated at the Mt. Hermon School in Massachusetts, conducted by Mr. Moody. He took a year's course at Princeton, and three years at the International Y. M. C. A. Training School, at Springfield, Mass., from which institution he graduated. He was the assistant Physical director at Springfield during his study course. He also conducted two summer camps for boys in New Hampshire. Later he was physical director at Groton school, Groton, Mass. Mr. Young came to Honolulu in 1901, and has been the Physical Director and Assistant Secretary up to his death. He was a communicant of St. Clement's Episcopal church.

He was closely identified with all manner of sports in Honolulu, and was a very capable instructor in gymnasium work. Through his efforts great interest has been aroused in basketball, handball and all indoor sports.

A sad feature in connection with Mr. Young's death is that he was engaged to be married to Miss Putnam, a teacher at the Normal school. A funeral service for Mr. Young will be held on Sunday afternoon at 3 o'clock in the Y. M. C. A. hall.

CHAMOIS-LAIN'S COASTAL REMENTRY is the mother's favorite. It is pleasant and safe for riding to take and enjoy exercise. It is especially good for young girls, group and jumping enough, and is the best medicine for their disease. There is but the least danger in riding it in condition for it contains no sugar or other injurious drug and may be used for a long time.

A search was made at the "old brick fort" but no trace of a body was found.

Lieutenant Lewis was a dashing officer,

J. W. KALUA ACHING FOR MORE DISCIPLINE

Reported to Attorney-General Andrews as Tampering With Witnesses to Defeat the Government in Lahainaluna Water Case.

(From Wednesday's Advertiser.)

John W. Kalua, lately deposed from the Maui circuit judgeship by President Roosevelt, would appear to have had but unsatisfactory experience of the role of a dreadful example. Apparently he is not unwilling, since testing the limitations of the bench, to subject the privileges of the bar to a test for ascertaining the breaking strain of judicial forbearance.

Attorney General Lorrin Andrews yesterday received a wireless telegram from Maui, informing him that Mr. Kalua had called a mass meeting of the natives and advised them to testify against the claim of Lahainaluna Seminary in the water rights contest with Pioneer Mill Co. Mr. Kalua's argument is that by the defeat of its claim the school will be wiped out, when the people would have all the water they needed because the plantation would not need the entire supply.

The proposition that the deprivation of the water would destroy the school is taken by the Attorney General as sound enough, for the present aim already well advanced in fulfillment of making the seminary a Territorial agricultural college would be rendered nugatory if the water supply were eliminated.

Commissioner J. Lot Kaulukou begins the trial of the water rights case at Lahaina today. Noa W. Aluli of the Attorney General's department takes care of Lahainaluna's case on behalf of the Government. He has the assistance of Mrs. Emma M. Nakuna which, from her great knowledge of Hawaiian customs and her masterly experience as Commissioner of Private Ways and Water Rights for Oahu, is deemed invaluable. Pioneer Mill Co. is represented by Dan H. Case, John W. Kalua and John Richardson. The Honolulu contingent, including J. D. Avery as stenographer to the court, left yesterday afternoon for Maui. It will likely be a protracted trial.

THE GOVERNOR OBTAINS HIS LEAVE OF ABSENCE

(From Wednesday's Advertiser.)

Governor Carter yesterday had an exchange of cablegrams with Secretary Hitchcock, whereby he obtained leave of absence from the Territory for the purpose in chief of attending the Republican National Convention. Before leaving for Kauai the Governor gave an Advertiser reporter a little talk about his projected main-land trip.

"I wired to the Secretary of the Interior and obtained permission to leave on the 21st of May," he began.

"Upon arrival at Washington, going there direct from San Francisco, I want to put myself in communication with Delegate Kuhio first. I desire to find out what his ideas are regarding various Hawaiian affairs and consult him about appointments.

"I hope Kuhio will be in Washington, so that we can together go over the needs of the Territory in different departments, a list of which I have already sent to him.

"It is my wish to be at the World's Fair at St. Louis on June 15, to attend the national gathering of Sons of the American Revolution, having been elected a delegate thereto by the Hawaiian Society, S. A. R.

"If I can reach St. Louis before that time, and get there with Kuhio, from there traveling with him to Chicago, it will be very satisfactory. I wired today to get headquarters for the Hawaiian delegation at the Auditorium Annex during the sessions of the Republican National Convention."

ARMY OFFICER KILLS SELF WHEN ORDERED TO HONOLULU

Lieutenant Victor C. Lewis, U. S. A., of the Twenty-Eighth Company of Coast Artillery, which is to replace with the 92nd company, the two batteries now stationed at Camp McKinley, had been missing from the Presidio from April 23 up to the time the Gaelic departed.

It was feared that he had committed suicide. He was posted at the Presidio as "missing without leave." On Saturday morning he kissed his wife and presumably went down town. He mailed a letter of the date of April 23, in which he said:

"My dear —: As my last chance to do any one a favor, I want to show you some appreciation of your past courtesies.

"In my past life I have done some newspaper work, and I know how to appreciate a 'soop,' so I am giving you one.

"Go out to the old brick fort at Fort Point any time to-morrow afternoon and you may find the material for a couple of good sticks of stuff."

"My reasons for so doing I do not dare divulge further than to say, What's the use?" Yours truly,

V. C. LEWIS.

A search was made at the "old brick fort" but no trace of a body was found.

Lieutenant Lewis was a dashing officer,

Whereas nearly all Hawaiians under middle age have been educated in the English language: Now, therefore, Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That for the period of ten years from and after the passage of this Act both the English and Hawaiian languages may be used as official languages in the legislative proceedings of said Territory in so far as the same may be necessary to an intelligent transaction of the business thereof, at the expiration of which time English shall be the sole official language.

ITALIAN PRINCE ON WAY HERE

(From Wednesday's Advertiser.)

Conflicting opinions prevail in the last San Francisco newspapers received on the Gaelic as to whether the Italian warship Liguria with the Duke D'Abruzzi aboard will pass through Honolulu en route to the Orient, or that the son of royalty will go to the World's Fair. The Cali states that the Duke is shortly to go to the Orient. The Call of April 24 says of the arrival of the Liguria at San Francisco:

The Italian cruiser Liguria, Prince Luigi Amadeo of Savoy-Aosta, Duke of Abruzzi, in command, arrived here yesterday and will remain in port for fifteen days. Prince Luigi, who holds the rank of commander in the Italian navy, is making a tour of the world and after leaving this coast will turn the Liguria's bow toward the Far East, where he expects to see something of the Russo-Japanese war.

This is the Liguria's first visit to this port. She is a cruiser of the third class and smaller than the Puglia which was here some months ago. She is a vessel of 2280 tons register and was built in 1893 at a cost of \$915,600. She can make nineteen knots and carries 257 officers and men. She has come from Italy at a leisurely gait. Her last port of call was at Cagliari, Prince Luigi Amadeo of Savoy-Aosta, Duke of Abruzzi and commander of the Italian cruiser Liguria, was born at Madrid January 29, 1873. He is the third son of the late Prince Amadeo of Savoy and cousin to Victor Emmanuel, King of Italy. Luigi, in spite of his youth, is one of the most picturesque figures in the world of science. As an Arctic explorer he made his way further north than did Dr. Nansen. He is a famous mountain climber and got nearer to the summit of Mount St. Elias than any climber who had preceded him.

His visit to America was in 1896, when he came here as a lieutenant attached to the cruiser Cristoforo Colombo. A year later, accompanied by a small party of friends and scientists, he came here again for the purpose of ascending Mount St. Elias. He had made all the great climbs in his native Alps and turned to the Alaska peak in the hope that he might go beyond the points reached by Gopham, Russell, Bryant, Schwartka and other sturdy explorers. His party reached an altitude of 18,100 feet, several thousand feet higher than the best previous record.

More Money.

Treasurer Campbell is ready to pay out more money. He gives notice today that registered Treasury warrants from No. 1607 to No. 1605 inclusive will be paid on presentation. Interest stops ten days from date.

FOUNDED IN HONOUR.

No doubt you have seen in the papers such announcements as this concerning some medicine or other: "If, on trial, you write that this medicine has done you no good we will refund your money."—Now, we have never had reason to speak in that way concerning the remedy named in this article. In a trade extending throughout the world, nobody has ever complained that our medicine has failed, or asked for the return of his money. The public never grumbles at honestly and skillfully made bread, or at a medicine which really and actually does what it was made to do. The foundations of

WAMPOLE'S PREPARATION are laid in sincerity and honour, the knowledge of which on the part of the people explains its popularity and success. There is nothing to disguise or conceal.

It was not dreamed out, or discovered by accident; it was studied out, on the solid principles of applied medical science. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. This remedy is praised by all who have employed it in any of the diseases it is recommended to relieve and cure, and is effective from the first dose. In Anemia, Scrofula, Nervous and General Debility, Influenza, La Grippe, and Throat and Lung Troubles, it is a specific.

Mr. Lewis stated that the rejection of Lieutenant Lewis' request for a furlough caused him to become discouraged.

Lieutenant Lewis received his present commission on July 1, 1901, after having been in the Army since 1897. He was born in New York, but was appointed from Ohio. Previous to joining the Army Lieutenant Lewis had been a newspaper man for many years, and had been city editor of the Portland Oregonian. He has written a number of magazine articles and short stories, and had in preparation a book entitled "Love Stories of the Philippines," which he expected to bring out shortly. He leaves behind his wife, a mother and married sister, who resided with him at the Presidio for a time.

Mrs. Lewis stated that she had been disappointed in the treatment of her husband, who had been ill for a long time, and that he had been unable to work for a long time.

A bill making both English and Hawaiian languages official languages in legislative proceedings of the Territory of Hawaii for the period of ten years.

Whereas many citizens of Hawaii uti-

lize the English language and its literature, and the Hawaiian language and its literature, and that it is expedient to provide for the use of both languages in the legislative proceedings of the Territory of Hawaii.

You can take it with the assurance of getting well. One bottle

price its intrinsic value. You

can take it with the assurance of getting well. One bottle

price its intrinsic value. You

can take it with the assurance of getting well. One bottle

price its intrinsic value. You

can take it with the assurance of getting well. One bottle

price its intrinsic value. You

can take it with the assurance of getting well. One bottle

MRS. RHODES GETS \$500

Case Left Slight Option With Jury.

(From Wednesday's Advertiser)

Charles L. Rhodes was not released from the witness stand, which he took shortly after 2 p.m. Monday, until two minutes before 12 m. yesterday. In his wife's suit for damages against the Honolulu Rapid Transit & Land Co. For a great portion of the time, however he was excused while counsel argued a demurser and disputed over fine points of evidence.

Judge Gear overruled the demurser. There was a controversy as to whether the action should be regarded as one upon the contract, this being involved in the five-cent fare paid by the plaintiff, or one of tort for her ejection from the second car after having been refused a transfer by the conductor of the first car. Judge Gear ruled that the question was immaterial if and when it came to the matter of damages, since the results of the supposed breach of contract were practically the same whether the plaintiff had been obliged to walk from where she alighted from the first car or from the place where she was ejected from the second one. The entire injury arose from the refusal of the transfer.

Mr. Withington, in the course of argument, intimated that the defendant would contest the presumption of its legal obligation to give eastbound transfers from westbound cars at Liliha street. The Dickey decision, directly affecting transfers at Punahoa, was brought into the contention but Mr. Withington did not intend to fight that part of the defense until further evidence was taken.

Mr. Highton stood out on the admission of Manager Ballentyne that conductors were instructed to give back trip transfers from one line to another at Liliha street. A partial answer to this was that the instructions were to give such transfers only when asked for, the conductors not to offer them voluntarily.

Mr. Rhodes was severely cross-examined as to whether he had not been "after the scalp" of the King street conductor who had put his wife off in the rain, though admittedly carrying out the plain rules with respect to passengers not paying fare or presenting transfers, while regarding leniently the conductor who had caused all the trouble by a breach of orders in refusing a transfer.

Mrs. Rhodes testified in the afternoon, being the last witness for herself.

Manager Ballentyne was the sole witness for the defense. His evidence related to distances, intended to prove the contrary of the old saw that "the longest way round is the quickest way home," in other words, that the route taken by the plaintiff was an imposition on the company. An objection that his evidence was not material to the issue was sustained.

Mr. Withington's address to the jury was virtually an anticipatory plea in mitigation of damages.

Mr. Highton argued eloquently for the plaintiff, appealing to the feelings of the jurors supposing their own wives and daughters were any of them placed in the situation of the plaintiff by public expulsion from a street car in the rain after making reasonable explanations of her lack of a transfer. Judge Gear charged the jury plainly that if they believed the evidence of the occurrence in question they must find a verdict for the plaintiff. In awarding damages they were to give reasonable compensation for the wrong inflicted, having regard to the mental as well as physical conditions wrought upon the plaintiff.

Mr. Withington noted exceptions to the court's charge.

The jury retired about 4:13 and returned at 4:20 with a verdict for the plaintiff, awarding her damages of \$500. This is half the amount claimed.

CRIMINAL COURT.

The trial of H. C. Worth, first mate of the ship Othello, for assault with a weapon on a Japanese sailor aboard that vessel, is set for 10 o'clock today before Judge De Bolt.

Next in order as given here are the trials of Kawamoto for an outrage and Tokunaga for assault and battery with a weapon.

At 9 o'clock Vivian Richardson will be called to plead to five indictments for embezzlement of public money.

George Harrison is also to plead to indictment for assault with intent to commit murder.

A disposition of the murder case against E. M. Jones is another item of business for the first hour of the criminal court this morning.

BIG FORECLOSURE SUIT.

F. A. Schaefer, Hermann Focke and Wilhelm Lanz, copartners doing business under the firm name of F. A. Schaefer & Co., have brought a bill in equity for foreclosure of mortgage against Maui Sugar Co., Ltd.

The amount claimed under a mortgage made on May 16, 1902, an amendatory agreement on June 29 and a claim for advances made to respondent is one hundred and fifty thousand four hundred and seventy-eight dollars and fifteen cents (\$150,478.15).

Maui Sugar Co. was organized by Chinese business men in the boom times five years ago. Wong Kwei, the venerable capitalist, is said to be interested in the company to the amount of about \$100,000. He is among the Chinese-American citizens of Hawaii and a registered voter, having acquired citizenship at annexation from his Hawaiian citizenship of many years

previous.
The plantation is situated at Hamakua on the ahupuaa of Huelo, Maui. Its land consists of seven leaseholds. For one of these the area is not given in the complaint, but the remaining six aggregate about 1650 acres.

Judge Robinson, in issuing the summons returnable, as all equity suits require, in ten days, granted a prayer of complainants by appointing James F. Morgan to take care of and conserve the property mentioned in the mortgage, "with power and authority to employ such assistance as may be necessary to execute the order."

NEW RESPONSIBILITIES.

C. H. Judd ("Bonny") by his attorneys, Robertson & Wilder, petitioned for reduction of alimony from the amount named in the decree of divorce granted to his wife on Dec. 7, 1903. Since that date, he alleges in an affidavit, a guardian has been appointed for the three minor children, so "that libellee has been relieved of the care, maintenance and education of said children; that libellee works for the Parker Ranch at Waimea, Island of Hawaii, at a salary of \$40 a month out of which he has to pay \$10 a month house rent; that since said decree of divorce was rendered, libellee has married again and is now liable for the support and maintenance of said second wife and her three children; that the amount he receives as wages is entirely inadequate to pay said alimony and at the same time support himself."

CITATION OF GUARDIAN.

Chris. J. Holt, guardian of John Um and John Kalaa, minors, has been summoned to appear before Judge Gear at 9:30 a.m. tomorrow and show cause why he should not be discharged as such guardian for failure to pay said minors the income of their estate in conformance with the order of the court.

CALLING CIVIL CASES.

At 10 o'clock this morning Judge Robinson will call even numbered jury waived cases on the April term calendar, from No. 422 to 464 both inclusive, for the purpose of having them set down as ready for trial, or for other proper disposition.

NEW INJUNCTION SUIT.

John Lucas by his attorneys, Kinney, McClanahan & Cooper, discontinued without prejudice his injunction suit against Hawaiian American Engineering Co., Superintendent Hollaway and Auditor Fisher. This proceeding was taken on account of errors in the bill of complaint, and was followed by the institution of a new suit. Judge Robinson granted a temporary injunction on the amended bill.

DEFENDANT RELEASED.

A nolle prosequi was entered for Frank C. Bertelman, indicted for assault and battery on his wife.

NAGGING MAN

GETS WOUNDED

A slightly wounded Porto Rican, named Joe Riviera, was taken to the Queen's Hospital last evening, where a deep scratch around his throat inflicted with a knife was dressed. Julio Silva, who used the knife on Riviera, is held at the Police Station.

Although Silva inflicted the wound on Riviera, yet he is more sinned against than sinning. According to Silva, he was sitting on a pile of stones on Iwilei road near King street, whittling a piece of sugar cane. Riviera came up and demanded a piece of the cane, adding an epithet. Silva asked Riviera to withdraw the epithet, and finally gave him a piece of cane. Riviera then wanted the biggest piece, and again applied the epithet. The young men exchanged words and Riviera, who had a knife in his hand, flourished the blade before Silva's face. Before riviera had closed his own knife and put it in his pocket, he told Riviera to leave him alone, but when Riviera said he intended cutting him, drew out his knife and said if Riviera continued threatening him, he would use it. Riviera advanced toward him quickly. Silva threw out his hand and the knife scratched around the former's throat.

Silva is not an ordinary type of Porto Rican. He appears to be a gentle-mannered young fellow of 19, who was educated in the John Marshall School, Chicago, up to three years ago, when he came to Honolulu. He has acted as a special police and interpreter for Sheriff Baldwin of Maui and Coney of Kauai.

HAWAII IS A

DESIRABLE POST

(Mail Special to the Advertiser.)

WASHINGTON, D. C., April 21.—Gov. Carter's protest against the omission of Hawaii from the paragraph in the army appropriation bill, which allows extra compensation to soldiers stationed in the insular possessions, was received here but the conferees of the Senate and House did not feel that it should be heeded. They argue that soldiers of the army now regard assignment to Hawaii as especially desirable, whereas service in the Philippines is regarded as a hardship. They were disposed to think that the insertion of Hawaii in the list of places where extra compensation would be allowed, would rather reflect on the Territory of the Mid-Pacific, so that the people out there would resent it.

ERNEST G. WALKER.

The Waterhouse Trust Co. has taken over the agency of the Fidelity Insurance Co., which is the new name of the Honolulu Investment Co. The Waterhouse Co. takes the agency for a period of three years and will have charge of all the real and personal property of the Fidelity Insurance Co. as well as the insurance.

BAND WILL GO AND ADVERTISE THE ISLANDS

Allan Dunn to Be Press Agent and Mainland Will Be Flooded With Information About Hawaii---May Go the 31st.

The band will go on a tour of the mainland with St. Louis as an especial objective. Allan Dunn will accompany the enterprise as its advertising agent, also incidentally as press agent for the territory at large.

J. C. Cohen, stated yesterday that as neither the Chamber of Commerce or the Merchants' Association have come forward with any practical help towards financing the proposed tour, he will undertake the matter by himself. Satisfactory arrangements have been made with Governor Carter as to guarantees and now business details of signing up the men and generally getting ready for the start are going rapidly forward. Allan Dunn is hard at work getting together collections of photographs and notes for press work with which the country will be flooded.

"Of course," said Mr. Cohen, "I am not going to furnish a whole lot of free literature though I should have been most happy to distribute any provided but I am not going to stop advertising Hawaii because the territory itself or rather its merchant class is not far sighted enough to back the enterprise. I have been fortunate in securing in Mr. Dunn a man who knows the islands and is peculiarly fitted with his newspaper and artistic experience to boom the band. You will see coming back to you in the files of the big dailies as we go along, pages of free advertising, that is free to the territory, though of course I shall be providing it, type matter and illustrations that would cost tens of thousands of dollars to procure in any other way. There will be stories of Hawaii and its attractions mixed up with reproductions of photographs served up as the mainland press knows how to suit the popular taste, that will prove eye-openers to those who think the tour will not benefit Hawaii. Naturally I do not expect to lose money over the plans but I am, I hope, public spirited enough not to allow the cold water of some back-sighted individuals to prevent my boosting Hawaii for all that it is worth."

"When do we leave? That is not decided upon but somewhere round the thirtieth of this month or the middle of next month. The first date if we go with the delegates. The Hawaiian delegation may go along with the Californian and if the band joins in the folks will know that Hawaii is very much alive. Yes, we should in that case play a week in San Francisco. Should we not go with the delegation our next jump would be Chicago en route to St. Louis. There is a strong feeling apparent that we should go with the delegations but as I am financing the tour on my own account I shall have to do the best I can from a remunerative standpoint only."

"The band will be augmented and will start in with new uniform and new instruments. The boys will be fully protected as they go. The Governor has stated just what he requires and I have promised to give him what he wants on the best of security, cash. Madame Slapoffski will go with us and the Hawaiian band will be all that it was in its best days when it won laurels abroad and more. After we have gone a few months you will see the Promotion Committee advertising us as we expect to headline our show printing, 'The Band That Makes Hawaii Famous.' Of course we would like to add 'Under the Auspices of the Chamber of Commerce and the Merchants' Association of Hawaii—En Route to the World's Fair,' but I guess one man will have to foot the bills."

BUSINESS MEN INVITED TO VISIT COMMERCIAL MUSEUM

(From Wednesday's Advertiser.)

Secretary Spencer of the Chamber of Commerce received yesterday the following letter from W. P. Wilson, Director of the Philadelphia Museum:

"As a result of the honor conferred upon me in electing me an honorary member of your esteemed association, I have naturally had more than ordinary interest in the commerce of your city and country.

"The Museum of which I am a Director, has, through its Bureau of Information, frequently called the attention of merchants, importers and manufacturers in the United States to commercial opportunities in Honolulu.

"I am anxious to do what I can to bring about still closer and more cordial

relations between the business men of your country and my own. In furtherance of this aim the Commercial Museum will maintain a special branch office in the Manufactures Building at the St. Louis World's Fair for the convenience of visiting merchants and manufacturers from abroad.

"I wish to extend a cordial, personal invitation to all members and friends of the Honolulu Chamber of Commerce to avail themselves freely of this branch, and of the services of the Commercial Museum in Philadelphia as well. You will place me under still greater obligations to you if you will take means of making this known as widely as possible in commercial circles generally in your city."

OLD HOUSE BILLS ARE IN QUESTION

Attorney General Lorrin Andrews has fully a score of requests for legal opinions from various departments of the Government awaiting his attention. Among the first questions he will consider is that of whether unpaid expense bills of the House of Representatives for the sessions of 1903 can lawfully be paid out of the balance left from the House expense appropriations for the special session of 1904. John H. Wise, Clerk of the House at the special session, under authority of a resolution passed by the House of Representatives alone, drew warrants on the Treasury, as previously reported in the Advertiser, for the payment of certain last year's House sessional bills against the special session's appropriation.

Treasurer A. J. Campbell refused to pay the warrants, but is ready to pay them if the Attorney General finds it would be legal.

SLIGHT INJURIES often disable a man and cause several days' loss of time and when blood poison develops, sometimes result in the loss of a hand or limb. Chamberlain's Pain Balm is an antiseptic liniment. When applied to cuts, bruises and burns it causes them to heal quickly and without scarring and prevents any danger of blood poison. For sale by all dealers and druggists. Hogan, Smith & Co. Agents for Hawaii.

MOLOKAI JUDGE DIED ON SUNDAY

Judge T. K. Nathaniel, who fourteen or fifteen years ago was a well known character in Honolulu, died at the Leprosy Settlement on Sunday morning. The funeral, which occurred on Monday at Kalaupapa, is said to have been the largest one ever witnessed there.

Nathaniel was a part Hawaiian. Years ago he conducted a native newspaper in Honolulu and later had some clerical position in the Supreme Court. He was well educated, was a fluent writer and quite a polished man but became something of a character in Honolulu because of the many peculiar articles of dress he wore. At one time he could be seen around the streets dressed in a hunting suit.

He was sent to the Settlement in 1893 and immediately became a leader. As a judge he made a reputation. The Settlement had been without a district magistrate for several years and justice had been dispensed as a rule by the agent of the Board of Health until, in 1902, the people asked that a magistrate be appointed from among their own number. Gov. Dole commissioned Nathaniel. There was no salary attached to the position but this did not matter as Nathaniel only wanted the office for the honor attached to it. But the Indians were small without a court and some magistrates sat in judgment so Indians were quickly brought before Nathaniel. For a month he had a good time of it as judge. He held weekly examinations of apprentices for ad-

mission to practice law before his court and as a result he licensed a one-legged woman, and three blind men as lawyers. Then he inflicted all sorts of punishment for petty crimes, mixed up civil with criminal cases and in a month's time the people were loudly demanding his removal. Justice Perry of the Supreme Court went to the Settlement to investigate but found that nothing could be done and at Nathaniel's request he permitted the three blind men to continue to practice.

Matters continued on these lines until last year when two cases were appealed from Nathaniel's court to the Circuit Court. Judge Kalua went to Molokai to hear these appeals. In one case Nathaniel had fined a man ten dollars and costs and ordered him to pay four dollars to a woman whose turkey had been killed by the former's dog. Kalua threw this case out of court and Deputy Sheriff Chillingworth paid the woman the four dollars as a salve to her feelings.

Nathaniel's death resulted from blood poisoning, following the extraction of three teeth, a cold having set in.

THE STRIKE ADJUSTED

Waipahu Matters Are Now Settling Down.

(From Thursday's Advertiser.)

A settlement of the strike difficulty was reached last evening through the efforts of A. K. Ozawa and T. Ishikawa, the executive officers of the Central Japanese League, who returned from Waipahu last evening. The resignation of Head Luna Patterson cleared the way. This was the principal demand of the strikers and they carried their point. Whatever minor demands are in abeyance are left with Manager Ahrens for future adjustment.

After conferring with the strikers yesterday afternoon and going over the entire situation, the strikers signified their intention of returning to duty this morning. Whatever misunderstandings have existed between the laborers and the plantation heretofore, are wiped away by the settlement. Mr. Ozawa said last evening:

"Now that Head Luna Patterson is out, the laborers have no grievance whatever against Manager Ahrens. Furthermore, we, as the executive officers of the League want to state that Manager Ahrens has been most liberal in his concessions, and has done all he could to meet the situation, consistent with his position as manager. As long as the demands were within reason he was willing to make concessions. Manager Ahrens' attitude throughout was favorable and the laborers are satisfied with his treatment.

"The result of the whole matter is that the laborers have agreed to go to work perfectly satisfied with the adjustment."

Lieut. Leslie and the ten mounted police who have been on duty at the plantation since Monday returned to the city last evening on the 7:40 o'clock train.

ALMOST A CLASH.

Almost a clash resulted at Waipahu plantation on Tuesday night between two of the lunas and the striking Japanese laborers. But for the presence of Lieut. Leslie and his squad of mounted police there might have been a serious outcome.

From the report received yesterday by High Sheriff Brown two of the lunas imbibed too freely of the flowing bowl, and then organized themselves as avenging angels. One got a revolver and the other a rifle. They started down the road toward the stores where the striking Japanese have been holding meetings since the commencement of the strike. Had they reached the crowd, which fluctuates in numbers from a few hundreds to nearly 1200 of the little brown men, a tragedy would probably have resulted, as the laborers are not in a mood to trifled with.

The movements of the two men were observed and reported to Lieut. Leslie. A squad was despatched at once to overtake them and the pair were disarmed and removed to a place of safety.

Yesterday the plantation wagon which also carries the United States mails, was blocked on the road by Japanese and Lieut. Leslie's men promptly opened a passageway for the vehicle.

Wireless From Coast to Hawaii.

VALLEJO, April 23.—Vallejo is to be the great central station of the Pacific Coast for the United States government wireless telegraph operations. At first, connection will be made with Mare Island, and later with a station to be erected in addition to the works at present on the Farallon Islands.

After that greater distances will be tried until the Hawaiian Islands are reached, and as much further as vibrations will reach successfully. On Friday afternoon the Mare Island station was connected up and the instruments worked without hitch, much to the satisfaction of Lieutenant Sweet, who recently came here from Washington especially to supervise the completion of this station.

It is expected that Mare Island will be ready for work some time next week, and more distant stations very soon thereafter. The work has been completed in a very quiet manner, and the progress has just become known.

There were many details during April according to the monthly monthly report.

PLANTERS PAY HALF

Plans Are Made for Australian Trip.

The Hawaiian Planters' Association has agreed to pay one-half the salaries and two-thirds the

Hawaiian Gazette.

Entered at the Postoffice of Honolulu,

H. T., Second-class Matter.

SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS.

WALTER G. SMITH, Editor.

SUBSCRIPTION RATES.

Per Month	\$.50
Per Month, Foreign	.75
Per Year	5.00
Per Year, Foreign	6.00

Payable invariably in Advance.

A. W. PEARSON,

Manager.

FRIDAY : : : : : MAY 6

RUSSIAN NEWS-GIVING.

The truth is gradually coming out about the battle of the Yalu. This is how the Russians assisted the world to a comprehension of the news:

LIAOYANG, April 27.—The Japanese have forced the passage of the Yalu near Tchangdijon.

ST. PETERSBURG, April 28.—It is believed that one of the Japanese columns crossing the Yalu sustained heavy loss. The Japanese tried to cross in six or seven places and succeeded in but one.

LIAOYANG, April 28.—During the night the Japanese attacked the Manchurian village of Lizama and were repulsed with heavy loss.

ST. PETERSBURG, April 29.—Gen. Kuropatkin reports that no information has been received of a serious engagement on the Yalu river.

ST. PETERSBURG, May 1.—There is no confirmation of the news of a battle on the Yalu.

ST. PETERSBURG, May 2.—With a force of less than five thousand men, the Russians for three days impeded the Japanese advance and prevented the enemy from crossing the Yalu, notwithstanding the inferiority in number of men and guns.

On Friday the Japanese were driven back with great loss. Sunday the Japanese resumed their artillery bombardment inflicting heavy losses on the Russians. The Russian army which had no intention of preventing the Japanese from crossing retired in perfect order. At Pottensky where the fighting was in progress it is the plan to worry the enemy until the mountain passes are reached.

ST. PETERSBURG, May 2.—The Russian officials refuse to admit that a reverse has been suffered at the Yalu river. They declare that the Japanese advance was expected.

ST. PETERSBURG, May 3.—The authorities declare that the Japanese had 100,000 men and 100 guns at the battle of the Yalu.

ST. PETERSBURG, May 3.—It is admitted here that the Japanese captured twenty-seven guns from the Russian forces in the engagement along the Yalu river.

ST. PETERSBURG, May 4.—The Emperor is deeply grieved over the reverses of his army on the Yalu river. Gen. Kuropatkin reports the loss of nearly 400 men. Gen. Zassalitch is blamed, etc.

A COMMERCIAL MUSEUM.

A letter printed elsewhere in these columns from the director of the Philadelphia Commercial Museum, calls attention to a great bureau of trade expansion of which Honolulu, for its own good, should know more. The Commercial Museum, which is under the control of the leading business men of Philadelphia and of which the Governor of Pennsylvania is ex-officio a trustee, maintains collections and exhibits of the raw products and trade samples of the world. The raw products illustrate the material already used or that may be employed in manufactures and the arts; and the trade samples of manufactured articles, show the patterns, grades and styles of goods most popular in the principal foreign markets. The trade literature of the world is gathered in the library, containing hundreds of trade and technical journals, shipping, statistical and market reports and works of a special and technical nature. There are also trade directories. Reports upon the needs of foreign markets and the openings for American goods, with data, together with the lists of important foreign merchants and manufacturers are accessible.

If Hawaii were to take full advantage of the free facilities for advertising which the Museum offers, it would be possible for any inquiring person, at any time, to go there and see samples of all our products, the literature of the plantations, the statistics of commerce, the data collected by the agricultural board and the local experiment stations, etc. In these respects the Museum is a perpetual World's Fair, attended by people who are there for business and costing the contributors to the display little or nothing.

Hawaii has a keen interest in the trust issue as it is a victim of one of the most remorseless trusts of the American brotherhood. It is compelled, unless it wants to take the chances of battle with the allied sugar magnates, to sell its staple product to them at a price which they have the power to fix. The trust takes the crop at its own figure and leaves the Hawaiian planter just enough margin to keep him hopeful of better times to come while the mainland octopus swallows the profits. A presidential campaign issue against such trusts ought, therefore, to help Hawaii, and should inspire our convention delegates to work hard for an aggressive platform.

The Hawaiian bill and name should be presented to the Senate principally by the Democrats of the Islands. This is the only way to make Hawaii a political factor.

THE DEVELOPING CAMPAIGN.

The Russians take a great deal for granted when they say that the Japanese will follow them into the mountains which lie between the Yalu river and the railroad and accept battle on their own ground. Assuming that the Japanese care to invade Manchuria at all, the way is open for them to flank the forces now entrenched in the mountains and send them flying helter-skelter towards Mukden without firing a shot. A glance at the map will show that the landing of a Japanese army anywhere above Port Arthur—a thing that ought to be easily done under the guns of Togo's fleet—would put the Japanese on both sides of the mountains with Kuropatkin's advance divisions in between. Common prudence would then impel a Russian retreat unless the Czar's forces opposing the Japanese could muster overwhelming numbers.

There are indications that the Japanese will do something on the Liaotung peninsula before long. Their second army of invasion has been mobilizing for weeks past and has not started anywhere as yet. There are troops enough in Korea to attend to the Yalu campaign, leaving a fresh army, 100,000 strong, free to act in another direction. In late dispatches the Japanese spoke of the possibility of starving out the Port Arthur garrison. To do so they would have to cut it off from communication with the North, which means the landing of a large enough army to besiege the place and at the same time to stand off or repulse a Russian relief force marching southward. Such strategy would be very likely, as we say, to compel the Russians in the mountains to get out and join the main body, leaving the way clear for the Japanese forces now on the Yalu to advance to the railroad if it so desired. A parallel instance appears in the history of the Turkish defence of Pleven in the war with Russia in 1877-78. The Czar's army could not dislodge the Turks until Toldtben came out of his retirement and showed them how to threaten the place by sending another army to another point. Once this movement had been made the Turks got out of Pleven in a hurry.

One thing is sure: the Japanese will not walk into the trap which the Russians have prepared and advertised. They will not follow the plan of campaign which the enemy has drawn up for them. In originality of design, a shrewdness and cunning and in vigor of execution the Japanese generals ask no odds of any other in the world. Come what may they know precisely what they are about. While Kuropatkin fumes and talks they are silently working out their plans; and as soon as Togo seals up Port Arthur so that not even the torpedo boats of the enemy can get out to harass Japanese transports, something will be done to test the strength of the main Russian army. If the opposing forces meet the shock will be heard round the world.

NO DUAL LANGUAGE.

If Congress wants to "develop Hawaii along traditional American lines," it will not only reject bills establishing the dual language privilege in the Territorial Legislature but it will strengthen the provision in the Organic Act requiring that all proceedings of the Legislature shall be in English.

No man can be an American in more than a perfunctory way until he knows and reads the language in which the ideas, aspirations, beliefs and principles of Americanism are expressed. He remains a foreigner so long as he adheres to an alien speech. As an American legislator he must know English to be competent; as an American citizen he must know it to be patriotic. To permit the use of two languages in the Legislature of Hawaii would be to perpetuate an alien spirit there and make the process of Americanizing the Polyneisan citizens here that much more difficult.

The Americans of Hawaii call upon Congress to assist in giving the voters of this group the common language which will unite them, not the dual language which will divide them and perpetuate race prejudices.

Read in the light of the Russian admissions about the losses on the Yalu, the following extract from the official newspaper at Port Arthur is worthy of a place among the humor of the war:

The soldiers of Russia, in their adamanit firmness, regard with contempt the fighting power of the Japanese army.

"The Russian soldier has already said so. 'Is it possible to wage war against the soldier of Japan at all?' asks the soldier of Russia. 'I will dry the soldier of Japan on my bayonet and send him home in a letter.'

In this utterance the whole greatness of the Russian nation finds expression.

We did not wish war. We did not even contemplate the possibility of war with such a foe as Japan. But now that war has begun, it can end only with an awful punishment of the guilty ones responsible."

The remnants of the old Royal family here will doubtless find that the decision of the court, affirming the right of retainers to collect wages, is a blessing in disguise. All of them, particularly the ex-Queen, feel compelled, for old times' sake, to support a horde of lazy campfollowers who ought to be out earning an honest living. Now that these people are endowed with the right to collect wages as well as enjoy food and shelter, their chiefs, in sheer self-defense, will be likely to let them go. Lihukalani, who is now kept poor by abuse of her beauty, could then have enough to enable her to live with-out pecuniary vexation.

The more strenuous, the more belligerent and the better chance for lower rates. It is a most encouraging sign that we are getting strenuous interests on the side of the Russos. Hawaii as a port of entry is a most important factor in the Pacific.

Very Human Society will make Hawaiian military forces stand up to the best of their ability. Having no naval force, it is important that their morale and fighting spirit be as high as possible.

OUR TRADE WITH JAPAN.

The rapidly growing share of the United States in the commerce of Japan is illustrated by a statement just prepared by the Department of Commerce and Labor through its Bureau of Statistics. This statement is compiled from an official document of the Japanese Government, just received, entitled "Financial and Economical Annual of Japan." It shows the commerce of Japan with the principal countries of the world for a long term of years, ending with 1902, while from another document, just received, the Bureau is able to obtain figures of the commerce of Japan with the United States, the United Kingdom, China, and India for the calendar year 1903.

These tables show that the United States is the largest customer of Japan. The value of exports from Japan to the most important customers in 1902 was: To Germany, 4,375,000 yen (yen=49.8 cents); Italy, 12,287,000 yen; British India, 12,337,000 yen; Great Britain, 17,600,000 yen; Hongkong, 25,876,000 yen; France, 27,283,000 yen; China, 46,838,000 yen, and to the United States, 80,233,000 yen. Thus the United States takes as much of the products of Japan as all of Europe and nearly twice as much as China, Japan's second largest customer.

In imports the United States stood second in 1902, and at the end of 1903 was but \$1,257,000 below Great Britain, which still holds the lead. For 1902, the latest year for which the import figures of Japan are available with reference to all countries, the imports from leading countries, stated in the order of magnitude, were: From Great Britain, 50,977,000 yen; from Great Britain, 50,364,000 yen; from the United States, 48,653,000 yen; China, 40,591,000 yen; Germany, 25,813,000 yen, and from France, 4,746,000 yen. In 1903 the imports from the four principal countries were: From India, 70,095,000 yen; from Great Britain, 48,337,000 yen; from the United States, 46,273,000 yen, and from China, 45,458,000 yen.

The feature of this official statement which is of especial interest in its relation to the growth of American exports to Japan is the fact that the United States has made much more rapid gains in the imports of Japan than any of her principal rivals. Comparing conditions in 1902 with those of 1890, for example, the United States shows a gain from 6,874,000 yen, in 1890 to 48,653,000 in 1902, while the figures of imports from Great Britain are, in 1890, 26,619,000, and in 1902, 50,364,000 yen; from Germany, in 1890, 6,857,000 yen, and in 1902, 25,813,000 yen; from China, in 1890, 8,859,000 yen, and in 1902, 49,451,000 yen, and from British India, in 1890, 8,911,000 yen, and in 1902, 50,977,000 yen.

Considering only the five principal countries from which Japan's chief imports are obtained the United States has made much greater gains than any of the others. It will also be seen from these figures that the chief rivalry for the classes of merchandise for which the United States is seeking a market in Japan is between the United States and the United Kingdom, the class of goods imported into Japan from China being chiefly noncompetitive so far as relates to the United States, while in the case of India the sole competitive article is cotton, of which Japan takes freely from India in years of large supplies in that country, owing to the fact that prices of Indian cotton are lower than those of cotton from the United States.

LUNAS AND LABORERS.

It will be a good thing hereafter for plantation lunas to remember that they are not dealing with laborers of a servile and inferior race but with the sturdy and self-respecting subjects of a power which means to assert itself in the world as the equal of any other. The class of men used as lunas is not credited with coolness of judgment, kindness of disposition, evenness of temper or with moral poise; and by leaving to it the control of large bodies of high-spirited Japanese, very grave chances are taken, not only of trouble on the plantations but of embarrassment for the United States government.

The risk is the greater because of the trend of the war in the Far East. The Japanese are getting more self-confidence; they are losing their superstitions about white men; they are beginning to realize that even in the Hawaiian cane-fields they have rights.

If treated well, they will stay here because they are poor and need work. But it will be hard to keep them if badly governed, and they will not be tractable in the meantime. It seems to this paper that the greater the care which plantation managers exercise over the choice and conduct of lunas in future, the better for their estates.

The Star is correct in its statement that losses of the franchise follow certain convictions in the Federal court. It is the conviction and not the degree of sentence imposed under it which determines the forfeiture of civil rights.

Neither Meheula nor Testa can vote or hold office again unless pardoned by the President; and the publicly disloyal utterances of one of these men would probably make it impossible for him, even if the nature of his offence were the choice and conduct of lunas in future, the better for their estates.

Pitz-wo or Pitz-ze-Wo, as the place used to be called, is a bight in the Liaotung coast line above Dalmat where the Japanese second army landed in 1894 for the attack on Port Arthur. The Russians report that a Japanese squadron, conveying transports, is off there now. It is quite probable that the land operations against Port Arthur, the Liaotung railroad and the Russian position in the mountains west of the Yalu are now beginning.

Scarcely had the Kinan arrived at Hilo with the Sunday Advertiser than Judge Little wired to Honolulu that he had withdrawn from the judicial race in favor of H. L. Rose. If he had actually withdrawn, if the statements of the Judge is not a ruse to stifle further opposition from the such for him at Washington goes on, then the anti-slavery vote will not withdraw its endorsement of him and the 1904 election will be decided by the 1904 election.

The mass meetings, the more belligerent and the better chance for lower rates. It is a most encouraging sign that we are getting strenuous interests on the side of the Russos. Hawaii as a port of entry is a most important factor in the Pacific.

Very Human Society will make Hawaiian military forces stand up to the best of their ability. Having no naval force, it is important that their morale and fighting spirit be as high as possible.

UNCONFIRMED RUMORS.

The usual "unconfirmed rumor" of Russian success follows the definite news of Japanese victory. Habitually since this war began, the Russians have tried to take the edge off their humiliation by claiming subsequent advantages. They have come in strong on "unconfirmed rumors," though such claims as they have made, if true, would have been heralded by joyous official bulletins, not by the gossip of the clubs.

For example: Soon after the initial Japanese triumph, when the Retzian, Tsarévitch and other ships of war were put out of commission, Russia published an "unconfirmed rumor" to the effect that 12,000 Japanese, in attempting to land near Port Arthur, had been repelled and that the Cossacks had sabred 400 Japanese near Dalmat. It also claimed to have bombarded Hakodate. Neither story was true.

After Togo's second bombardment of Port Arthur, when he sunk hulks to bar the entrance to the port and was supposed to have sealed it, the Russians put forth the claim that they had destroyed four Japanese battleships. They did this to "save their face" and to depress the Japanese. In point of fact they had not sunk a Japanese vessel of any kind.

A subsequent attempt to seal the harbor and a coincident advance of the Japanese towards the Yalu, lowered Russian prestige again. Upon this, St. Petersburg let loose another "unconfirmed rumor" that 12,000 Japanese—always 12,000—had attempted to land west of the Yalu and been driven back to their ships with great loss. There was nothing in it.

Still the game of humbug goes on. This time an effort is being made to make people forget the Zassalitch defeat in the "unconfirmed rumor" that the Japanese have been repelled at Klu-han-Cheng with a loss of 10,000. A victory like that could not be carried fast enough to St. Petersburg by the official telegraph nor got to the people soon enough by the official bulletins and yet the world is expected to believe that after it all happened the news was permitted to circulate only as an "unconfirmed rumor" on the boulevards.

A CHANCE FOR CARTER.

The administration of Governor Carter has a chance to distinguish itself by making Hawaii an American Territory in racial fact as well as in political status. Hawaii is American now, legally speaking and in its form of administration; but a Territory in which men of American birth and ancestry are fewer than either Chinese, Japanese, Polynesians or Portuguese and are becoming fewer all the time, is hardly American enough to satisfy the policy of a nation which, as its President says, insists upon our development along "traditional American lines."

To make Hawaii American its national population must be increased by the introduction of as many citizens from the mainland as can make a living on its soil. In other words the public land must be divided up between bona-fide settlers of the class that is making a success at Wahiahu—not left around to be picked up by local speculators or by those inveterate foes of development, the grazing classes. We have an immense public domain, much of which is idle and much devoted to grazing in the ratio of five acres to a cow. There ought to be 10,000 white families occupying it in small tracts and raising pineapples, sisal, bananas, fruit, vanilla, tobacco, dairy products, pork, poultry and their own food. Such families would not be hard to get. They are bombarding the authorities for land data and getting no encouragement. They are told that there is plenty of land but that it isn't ready for them. Nor are there any signs of preparing to get it ready. Land matters are left standing where they have stood for years and the country is getting more and more Orientalized.

The Alexander Young Hotel is now conducted entirely on the European plan, this system having gone into effect yesterday.

Commissioner Judd was engaged yesterday in hearing Japanese cases of peonage, woman slavery and traffic, etc., continuing a number of cases until today.

William Haywood, representative in Washington of the Hawaiian Planter's Association and the Honolulu Chamber of Commerce, is seriously ill at the national capital.

The Government band played Governor Carter, Secretary Atkinson, Land Commissioner Pratt and others off last night at the departure of the steamer W. G. Hall for Kauai.

Dr. Cofer, chief quarantine officer, has rejected a flagpole imported from the Sound for the Quarantine Station, because it lacked eight feet of the one hundred in length required by the specifications. It is a pretty stick with.

Amana, who absconded after embezzling between \$1000 and \$2000 from local agency of the Gregg Company of Chicago, was reported yesterday to have been intercepted at San Francisco by the immigration officers and placed in custody for return to Honolulu.

High Sheriff Brown yesterday began enforcing the cuts in salaries required by the Legislature. There is a reduction in the number of officers, as well as a reduction in salaries. About a dozen officers, including specials, have been dropped from the rolls. Officers who receive less than \$100 will have \$5 taken from their salaries, and those over

F. J. TESTA IS INDICTED

Criminal Libel Is Grand Jury's Finding.

Frank J. Testa was indicted for criminal libel by the grand jury in a partial report made before Judge De Bolt yesterday morning. The accused avoided the necessity of a warrant of arrest by surrendering himself to the court. He was released on his own recognizance after reserving his plea to the indictment by consent of Assistant Attorney General Fleming.

CONVICTED OF FELONY.

Kawamoto was found guilty by a jury, before Judge De Bolt yesterday, of an outrage. W. S. Fleming and W. T. Rawlins appeared for the Territory, and E. A. C. Long for the defendant. The following jury was found satisfactory as drawn: Percy Lishman, C. J. Falk, J. R. Galt, W. M. Buchanan, W. E. Brown, S. K. Paulo, John Kidwell, Jas. Blackwell and C. J. Ludwigsen. Three witnesses were called and five exhibits presented by the prosecution. The defendant had four witnesses and the prosecution put on a witness in rebuttal. It took the jury nine minutes to find the defendant guilty. Notice of motion for a new trial was given by Mr. Long. Sentence will be pronounced at 9 o'clock this morning.

AXTEL VS. HENDRICKS.

J. C. Axteil's damage suit against H. E. Hendricks for malicious arrest got well under way on new trial before Judge Gear and a jury yesterday. The plaintiff was on the stand a large part of the day.

DIVORCE REFUSED.

An unusual thing in Hawaiian jurisprudence happened yesterday, when Judge Gear denied a decree of divorce to Rose Kalalau against Solomon Kalalau. If there is anything just in Hawaii it is speedy in, it is in putting asunder "what God hath joined," and the number of divorces refused is so small as to make one remarkable when it happens. J. Lightfoot, attorney for the libellant in this case, noted an appeal. W. L. Whitney appeared for the libellee. Judge Gear took a day to decide the case after its hearing.

ACTION DISMISSED.

Judge Gear, at the request of the plaintiff, ordered the discontinuance of the action to quiet title in a leasehold containing about twenty-one acres at Waikiki, brought by Lam Wo Sing against Moses Puahi, L. K. Pushi and Tam Tong. Fleming and Derby appeared for plaintiff; Ashford for defendant.

RAPID TRANSIT APPEAL.

A motion for a new trial, with a bond on appeal, has been filed by defendant in the suit of Manuel P. Ferreira vs. Honolulu Rapid Transit & Land Co., in which a verdict for plaintiff with damages of \$3000 was returned.

WILL OF SAM SACHS.

L. Schweitzer has petitioned for probate of the will of Samuel Sachs, in which Samuel, son of the testator, and Mrs. Mary Downey are named as devisees and legatees and the petitioner is named as executor. The estate is represented as all personal and valued at \$770.25.

"In recognition of the services and friendship of Mrs. Mary Downey," the testator says, "I do give, devise and bequeath to the said Mrs. Mary Downey the sum of two hundred and fifty dollars, and I do request that the said sum be paid over to Mrs. Downey out of moneys now in the bank in my name."

All his remaining property he proceeds to leave to his son Samuel, allowing him during minority an income of \$20 a month and appointing Mrs. Emma Puhl as his guardian.

The will, executed February 2, 1902, in presence of Chas. J. Fishel, Wm. Merz and Edwin S. Gill, the testator appointed Eli Peck, who has since died, as executor. By a codicil dated May 6, executed in presence of Johannes F. Eckardt, James M. Tracy and Morris Rosenblatt, Mr. Schweitzer was substituted as executor.

ALLEGED TELEPHONE VANDALISM.

Henry E. Cooper, in his petition on which Judge Gear ordered a temporary writ of injunction against the Mutual Telephone Co., says he is the owner and in lawful possession of premises on the corner of Punahoa and Beretania streets, which are at home by himself and his family. Upon the premises and fronting on both the streets named are certain royal palm trees, of great value and beauty, and highly prized by plaintiff as ornaments to his residence. Then the grievance is thus stated:

"That the defendant, the Mutual Telephone Co., Ltd., is engaged in the reconstruction of its lines of telephone along said Punahoa street and Beretania street, and that in the construction of said lines along Punahoa street has ruthlessly uprooted and uprooted several palm trees, and is continuing in the removal of said telephone lines above said Punahoa street, and although notified by the plaintiff to cease from further destruction of palm trees,

MUST PAY RETAINERS

Royal Agreements Are No Longer Held to Be Binding.

Royal retainers are not required to work without monetary compensation in the present generation, whatever they might have done in the days of the Dowager Kapiolani. That at least is the decision of the Supreme Court in the suit of Antone Bright against Prince David Kawananakoa.

Bright, during the lifetime of Queen Kapiolani, was in charge as supervising retainer of her land of Mokauaea, Kahili, and as such received as compensation the use, free of rent, of a quarter acre of land, in addition to certain other perquisites. Upon the Queen's death Bright was told by Prince David to continue at the same compensation, which the retainer claimed meant reasonable wages for the work performed. At any rate, Bright concluded that he was entitled to monetary remuneration as well as royal perquisites and he brought suit accordingly. The jury awarded him \$450 and the Prince appealed, claiming that the verdict could not be sustained by the evidence.

The Supreme Court sustained the verdict in a unanimous decision.

"The view might well have been taken that the plaintiff's testimony was inconsistent and discredited by the averments in his bill in equity," says Judge Perry in the opinion. "The jury, however, the sole judge of the credibility of the witnesses, saw fit to believe upon all the evidence that no express agreement was made as to compensation. The finding cannot be set aside.

"Other contentions of the defendant are that the evidence showed a contract with the Queen and not with the defendant, that at best the promise of defendant was to pay the debt of another, that the land of Mokauaea was not the defendant's, and that in any event the defendant was not liable. The defendant had an interest in the land and if he saw fit to do so could employ the plaintiff to work there and render himself liable for the latter's compensation. There was evidence, as already stated, tending to show a hiring by the plaintiff personally and if there was such hiring, the debt created was not the Queen's but the defendant's.

"The bringing of the suit in equity which was later dismissed on demurrer on the ground of lack of jurisdiction or because a cause of action was not stated, does not estop the plaintiff from suing at law.

"The exceptions are overruled."

Question of Contracts.

Judge Dole yesterday heard argument on exceptions of defendant to the bill of First Mate Lesslie against Inter-Island Steam Navigation Co., claiming \$10,000 damages for alleged breach of contract for permanent employment and promotion. J. J. Dunne appeared for the libellant, and Abram Lewis Jr. for the libellee. The court desired a showing of authorities from the libellant to place his case out of the category of ordinary employment, in either private or public service, and in that of contracts. After both sides had produced cases from the books, Judge Dole allowed them ten days in which to file briefs.

IT WORKS LIKE MAGIC.—The relief obtained from Chamberlain's Pain Balm when applied to a burn or scald is so nearly instantaneous that it seems almost magical in its effect. An injury of this kind heals without maturation when this remedy is applied and unless the wound is very severe does not leave a scar. For sale by all dealers and druggists, Benson, Smith & Co., Agents for Hawaii.

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said palm trees on Beretania street, has absolutely refused to do so, and has announced its intention of continuing the mutilation and destruction of said palm trees, and that the plaintiff verily believes that it will do so unless restrained by the process of this honorable court.

"That the mutilation of said palm trees is wholly unnecessary for the betterment of defendant's service, or the reconstruction of defendant's lines, and that said lines can be reconstructed without any hardship to defendant, and in such a way as to avoid the mutilation of said palm trees.

"That said acts of defendant are without any justification of law whatsoever, and are in contravention of plaintiff's rights under the laws of the Territory of Hawaii and under the Constitution of the United States, and that said acts if continued will cause plaintiff irreparable damage and injury incapable of compensation in an action at law."

NEW CHARTER TRUSTEE.

Chief Justice W. F. Frear has in accordance with a petition of a majority of the bench issued a writ of habeas corpus against the Mutual Telephone Co., Ltd., as a trustee under the will of the Hon. Henry S. P. Fisher, to hold until his death, and to distribute his estate among his children and his widow.

It is expected that many public school trustees will sue for the removal of the names of the deceased from the records of the school system.

MORE RESIGNATIONS FROM THE HOME RULE PARTY

Boyd, Markham and Clark Will Join the Republicans and Promise to Bring the Rest of the Home Rulers With Them.

Three more desertions from the Home Rule Executive Committee took place at the regular weekly meeting of that body yesterday morning. George Markham, James H. Boyd and Joseph Clark, all high in the councils of the party tendered their resignations as officers of the executive committee and as members of the party. The three are said to be waiting to be invited to join the Republican party and wouldn't object to accepting official positions with that organization. The resignations were referred to a special committee which will report at the next meeting of the committee.

George Markham is reported as saying that he has decided to withdraw from politics. He has been one of the most active politicians in the Territory since annexation, but now he intends to quit, unless he joins the Republican party. Markham was editor of the independent Home Rule paper, and also chairman of several committees in the party.

"Jimmie" Boyd also expects to return to the Republican party, which he deserted last November after being turned down on a nomination for supervisor. He wasn't in the Home Rule party over a week before he had received the nomination for the same office from the hands of his new compatriots and he immediately became one of the party leaders. Boyd is reported as saying that he will bring back into the Republican ranks a majority of the Home Rule party.

Clark was also a member of the executive committee and was the Home Rule candidate for the House in the Fourth District in 1900. All three men are telling their friends that they intend to join neither party at present, but simply to look on and see which way the "cat is going to jump."

The withdrawal of Boyd, Markham and Clark means the final disintegration of the Home Rule party. All three really intend to join with the Republicans now.

NAVY DEPARTMENT WILL BUILD STEEL WATER LIGHTER

Acting under the advice of the Navy Department, Admiral Terry has asked for estimates on a new steel scow to be used in lighterizing water to vessels of the navy in the harbor or stream. Only local firms have been asked to prepare estimates on the specifications furnished by the Navy Department, and if the tenders are satisfactory formal bids will probably be asked.

The specifications call for a two-hundred ton steel lighter, made especially for the purpose of lighterizing fresh water to vessels which cannot come up to the naval wharves. This is a convenience which has long been needed, especially in the past, when some of the larger vessels of the Unit-

ed States navy were unable to come inside the harbor.

The request for estimates has been made to a number of Honolulu firms, and it is the intention if possible to have the lighter built in the islands. If it is done, it will be the first construction of vessels for the United States government ever attempted here. If the estimates for construction here are in excess of what the Navy Department desires, outside bids may be asked, and it is the intention also to allow local firms to make estimates and to have the lighter shipped in parts to Honolulu, but to be erected here.

A lighter such as the Navy Department intends to put into the service for the Naval Station in Hawaii is estimated to cost from \$8,000 to \$10,000.

DEATH OF MRS. WM. D. WESTERVELT

After a long period of suffering patiently endured, Mrs. Louisa C. Westervelt, wife of Rev. W. D. Westervelt, passed away yesterday morning at the age of 53 years. Funeral services preceding cremation will be held at the house, 1036 Kinai street, at 2 o'clock this afternoon, and a short burial service tomorrow at the same hour, when the ashes will be deposited in the missionary plot in Kawaiahae cemetery.

Mrs. Westervelt was born in New York State and was educated in Oberlin, Ohio, graduating from the Ladies' Course of Oberlin College in 1870. She was married in 1873 to William D. Westervelt, and their remarks are certain to be of high value and interest to all who are anxious to understand the grave situation in the Orient, which is being watched so closely by all the Powers of the World.

Mr. and Mrs. Westervelt came to the Islands in 1889 where they spent two years in the mission field. After ten years of pastoral work in Chicago, they came back to Honolulu, where Mrs. Westervelt has, in spite of very frail health and oftentimes great suffering, given most valuable aid and sympathetic support and counsel, not only in her husband's work but in that of various organizations. This has been true of her from the beginning of her husband's pastoral life soon after their marriage. She had always taken a most active interest in work for Hawaiian girls as well as for those of other nationalities in Hawaii. Her self-sacrificing devotion to the missionary cause at home and elsewhere showed itself especially in many lonely hours of suffering, heroically borne, when she insisted on sending her husband back, always saying, "The work must come first."

That the mutilation of said palm trees is wholly unnecessary for the betterment of defendant's service, or the reconstruction of defendant's lines, and that said lines can be reconstructed without any hardship to defendant, and in such a way as to avoid the mutilation of said palm trees.

"That said acts of defendant are without any justification of law whatsoever, and are in contravention of plaintiff's rights under the laws of the Territory of Hawaii and under the Constitution of the United States, and that said acts if continued will cause plaintiff irreparable damage and injury incapable of compensation in an action at law."

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The Japanese Patriotic Ladies' Society solicits your assistance in the cause, and will receive contributions from those who feel that they can afford to help.

FOR THE PATRIOTIC JAPANESE LADIES' SOCIETY.

Honolulu, April 29th, 1904.

Please present this at the entrance.

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It is expected that many public school trustees will sue for the removal of the names of the deceased from the records of the school system.

It is expected that many public school trustees will sue for the removal of the names of the deceased from the records of the school system.

PLAINTIFF WINS POINT

Miss Peabody Is Granted Chance To Contest Her Rights.

A unanimous opinion of the Supreme Court, written by Chief Justice Frear, gives Lucy K. Peabody a chance to prosecute her action to quiet title against S. M. Damon, J. O. Carter, W. F. Allen, C. M. Hyde and W. O. Smith Trustees under the will of B. P. Bishop, deceased.

Circuit Judge De Bolt directed a jury to find a verdict for the defendants. A writ of error obtained by the plaintiff carried the matter to the Supreme Court, where it is now decided on a motion by defendants to quash the writ. Some of the grounds of this motion are found well taken, but the writ will only be dismissed if the plaintiff fails to perform a certain condition, as may be seen further on, which is apparently easy. E. C. Peters appeared for the plaintiff; Kinney, McCleman & Cooper, S. H. Derby and Holmes & Stanley for the defendants.

One of the grounds of the motion to quash was that plaintiff had satisfied execution for costs and therefore was estopped from bringing a writ of error. The Supreme Court finds in effect that the costs were but a small part of the case. Judgment for the possession of the land was the main thing and it was not satisfied. Hence the writ of error would stand in that regard.

Another ground was that service was not made on C. M. Hyde (the late Dr. Hyde), but the Supreme Court holds that service on a dead man is unnecessary.

A substituted service as to defendant Allen is held invalid and the motion to strike from the record an amended return of service is granted. At the same time the Supreme Court says:

"Service on the defendants was not a prerequisite to bringing the record here. The writ goes to the clerk or judge of the lower court. The clerk or judge returns the record to this court. This court acts on the record. Service on any defendant is necessary merely to enable the court to dispose of the case as to him, because he is entitled to a hearing before his rights can be affected. But if, as is the case here, the record shows that he never was a party, though he was named as a defendant, and that he is not entitled to a hearing, the court may act without notice to him."

The conclusion of the opinion gives the plaintiff an opportunity to have proper service made on the defendant not properly served before the court saying: "The writ will be dismissed unless the plaintiff within ten days takes proper steps to enable the court to proceed to a hearing as to defendant Allen."

As part of the grounds on which the case was thrown out of the Circuit Court related to the failure of service on the dead trustee, the Supreme Court's decision virtually, so far as that point is concerned, requires a trial of the action on its merits.

**BANKRUPTCY
LAW GIVEN**

Judge Sanford B. Dole rendered a decision in the Federal Court yesterday, in the matter of the petition of H. Hackfeld & Co., Hoffschlaeger Co. and Seattle Brewing & Malting Co. against Y. Y. Hirose, doing business as Hirose Shoen, for adjudication of bankruptcy, allowing the prayer of the petition and adjudging respondent a bankrupt. Thayer & Hemmenway appeared for petitioners; E. A. Douthitt for respondent.

It was prayed in the petition that the respondent be adjudged a bankrupt on the ground that he made, within four months preceding the date of the petition, a general assignment to one Tashiro, for the benefit of his creditors, thereby committing an act of bankruptcy.

The petition was opposed on the ground that the petitioners had consented to the assignment and therefore were estopped from taking proceedings in bankruptcy. Judge Dole shows that the Bankruptcy Act of 1898, which superseded all insolvent laws of the various States in the Union, provides that "an assignment for the benefit of creditors" is made an act of bankruptcy and creditors may apply for an adjudication of the debtor as a bankrupt within four months after the time of said assignment."

After a citation of authorities, the decision leads up to the conclusion already stated with the following remarks:

"From these authorities and from the provisions of the statute, it appears to me that the law applicable to this case does not justify a ruling that the petitioning creditors are estopped by their acts referred to from applying to have the respondent adjudged a bankrupt. The facts brought out in the evidence in regard to the unsatisfactory administration of the assignee are not necessary to this conclusion. They are illustrations of the importance of the rule that creditors may at any time, within the legal limits, move to have the administration suspended, the assignee set aside and the whole matter transferred to the jurisdiction of the bank and court, differing in case of an insolvency, insolvency or insolvency, and every creditor may be entitled to an agreement which will interest him with the assignee and which may be of benefit to the assignee."

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DEVELOPING and PRINTING
A Specialty,
Good Work Guaranteed

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Hollister Drug Co.

FOOT STREET.

COMPANY IS LIABLE

H. Jeffs Gets Hund- red Dollars In Damages

Another hundred dollar judgment was given against the Honolulu Rapid Transit Co. in district court by Judge Lindsay yesterday afternoon. Harold Jeffs sued the company for \$200 damages, for being forcibly ejected from a Beretania street car, after the conductor had refused to accept a transfer given him on the King street car.

Jeffs in his testimony stated that he had paid five cents to the conductor of the King street car and at Alapai had demanded and been given a transfer to the Beretania street line. He walked from King to Beretania streets and boarded the first car. He tendered to the conductor on this car the transfer from the King street conductor, which he claimed to have accepted in good faith. The second conductor declined to accept the transfer ticket and demanded five cents, which Jeffs said he refused to pay. He

DUCKS ARE DENOUNCED

Must Be Removed Within Three Months.

(From Thursday's Advertiser.)

President L. E. Pinkham, Attorney General Andrews, Dr. C. B. Cooper, John C. Lane, Dr. W. H. Mays and Fred. C. Smith constituted the meeting of the Board of Health yesterday, with C. Charlock, secretary, and Miss Mae Weir, stenographer, in attendance.

MEMORANDUM OF PRESIDENT.

The following memorandum of matters for consideration was submitted by the president:

Wednesday, May 4, 1904.

To the Members of the Board of Health.

The Executive, by and with the advice of the heads of the departments, owing to the even more stringent condition of the Territorial finances than anticipated, has directed the economies enacted by the recent Legislature to be put in force at once, dating from May 1st.

The Government physicians have been notified and all salaried employees, except the sanitary inspectors and a few instances where a few days more will be required to determine the best course.

The reduction in numbers of the sanitary inspectors leads to a delicate situation. Owing to the depressed state of affairs it is a hardship on any individual to lose his position. After much reflection I have concluded to recommend the Board to retain the eight sanitary inspectors in the order of their seniority of appointment as disclosed by the records.

It is necessary to invite you to discuss the duties of the Food Commissioner and Milk Inspector.

In the matter of inspectors for the markets of the Inter-Island Live Fish and Cold Storage Co. I recommend that although the inspector must be privately paid, he be appointed by the Board and his salary be collected and paid through the Board. I also recommend this course be taken with all inspectors privately paid.

It appears that during the month of April there were three hundred and sixty-six (366) cases treated at the Dispensary and sixty-two (62) outside calls. No further proof is required as to the necessity for this work.

It is estimated \$125 dollars a month will be required for the carrying on of this work until July 1st, 1905. It would seem to me an appeal for voluntary contributions for this fund by a public notice signed by the physicians tendering their free services would be the proper procedure to secure the funds.

It would seem the newspapers would give the notice prominence and continue it for a time and receive contributions for this object.

Respectfully submitted,

(Signed) L. E. PINKHAM,
President, Board of Health.

STANDING COMMITTEES.

The president announced the following standing committees of the Board:

Kalihi Receiving Station—Dr. W. H. Mays, Mr. M. P. Robinson.

Kapiolani Girls' Home—Dr. W. H. Mays, Mr. John C. Lane.

Insane Asylum—Dr. W. H. Mays, Mr. F. C. Smith, Mr. M. P. Robinson, Dr. C. B. Cooper, Dr. H. C. Sloggett, ex-officio.

Molokai—Whole Board.
Government Dispensary—Dr. W. H. Mays, Mr. John C. Lane.

Office and Morgue—Attorney-General Andrews, Dr. W. H. Mays, Mr. F. C. Smith.

Kewalo and Kakaako—Dr. W. H. Mays, Attorney-General Andrews, Mr. M. P. Robinson.

Petitions—Mr. M. P. Robinson, Dr. C. B. Cooper, Mr. John C. Lane.

Quarantine, Fumigating and Disinfecting—Dr. W. H. Mays, Mr. F. C. Smith, Mr. M. P. Robinson.

Finances and Expenditures—Mr. F. C. Smith, Attorney-General Andrews.

Revision of Rules and Regulations—Mr. John C. Lane, Mr. M. P. Robinson, Mr. F. C. Smith, Attorney-General Andrews.

Government Physicians and Reports—Dr. W. H. Mays, Mr. F. C. Smith.

Hospitals—Dr. W. H. Mays, Mr. F. C. Smith.

Cemeteries—Dr. W. H. Mays, Mr. M. P. Robinson, Attorney-General Andrews.

Duck Ranches—Mr. John C. Lane, Mr. M. P. Robinson, Dr. W. H. Mays.

Police—Mr. M. P. Robinson, Dr. C. B. Cooper.

EXECUTIVE SESSION.

"Inspectors to be retained," was the next item on the order of business.

Mr. Andrews moved that the matter be considered later in executive session.

Mr. Smith stated that, after the last previous executive session for considering similar business, one of the persons discussed arrived in him at a football game everything that was said about the purpose of the executive session.

The motion carried notwithstanding the close of other business the Board held a recessed session to consider the regulations of the Board.

Board being admitted to the deliberations.

CUT SALARIES ACCEPTED.

President Pinkham reported that the clerks in the Board's office had been notified of the reduction in their salaries and had accepted the situation.

There was therefore nothing to be done on that subject.

Something about the Food Commissioner and Milk Inspector on the order of business was referred to the executive session.

SUPPLY OF MEDICINES.

The president brought up the matter of supply of medicines to outside district physicians, saying several small requisitions had been received. He had held a slight conversation with the Governor on the subject, but nothing was settled. There was still quite a small stock of medicines in the dispensary.

Dr. Cooper suggested that the country physicians should be written to, answering their applications, and informed that there was no appropriation for medicines, also recommending a public subscription in each district to provide for medicines. This was what was being done in Honolulu. There was agreement to the suggestion.

DUCK RANCHES CONDEMNED.

After many weeks the committee on complaints about duck ranches presented the following report:

Honolulu, Hawaii, May 4, 1904.

L. E. Pinkham, Esq., President, Board of Health.

Sir: Your committee to whom was referred the complaint of certain residents along the Ala Moana road beg leave to report as follows:

The majority of the duck ranches in the Waikiki district drain through ponds either into the Pliniao stream or into a stream which runs makai and discharged into the sea, by the wooden bridge on the Ala Moana road. Both of these streams are very sluggish and contain quite a little vegetation.

In the Waikiki district there are fifty-one duck ranches, with approximately 10,280 ducks, and it can be easily seen that there will be a large amount of filth from such a number of ducks.

"The Grand Trunk's western extension will be known as the Grand Trunk Pacific," said Mr. Hardman in an interview yesterday. "The new overland line will be 1,500 miles shorter from Montreal to Yokohama than the route from New York by way of San Francisco. It will also be 500 miles shorter than the Canadian Pacific route to Victoria."

"The new line will control the rapidly growing business of the Yukon territory. At present that traffic all goes either by Vancouver, Seattle or the southern coast towns. The new line when finished will shorten the distance by rail by 1,000 miles."

"The road will practically follow the surveys originally made by the Canadian Government at a cost of \$5,000,000 for the Canadian Pacific. Owing to a change of government, this route was abandoned and the Canadian Pacific was built further to the south through a less desirable country."

We would recommend that permits to keep ducks be issued to those having duck ranches makai of the Waikiki road, also makai of that road and Waikiki of the Kalia road, only upon condition that the owners put their places in sanitary condition, by cleaning their ponds and yards, putting in gates that will allow a free flow of water in and out of the ponds and that the number of ducks they be allowed to keep shall not exceed one duck to every 100 square feet of land and water.

They would further recommend that the lagoon makai of the Ala Moana road and Ewa of the Pliniao stream be condemned as a nuisance and a danger to the public health and the parties owning or leasing the same be ordered to either fill it up or drain it.

Further, that no permit to keep ducks be granted to Ah Chew and Lee Sue and that they be given 90 days in which to dispose of their ducks.

Your committee also found that it was the custom of some of the duck owners to drive their ducks to the beach along the Ala Moana road and allow them to feed at low tide.

Having found upon investigation that the complaint of the residents along the Ala Moana road was justifiable your committee took up the question of how to remedy the same.

We would recommend that permits to keep ducks be issued to those having duck ranches makai of the Waikiki road, also makai of that road and Waikiki of the Kalia road, only upon condition that the owners put their places in sanitary condition, by cleaning their ponds and yards, putting in gates that will allow a free flow of water in and out of the ponds and that the number of ducks they be allowed to keep shall not exceed one duck to every 100 square feet of land and water.

They would further recommend that the lagoon makai of the Ala Moana road and Ewa of the Pliniao stream be condemned as a nuisance and a danger to the public health and the parties owning or leasing the same be ordered to either fill it up or drain it.

No adulteration was found in nine samples of milk, one sample of cream and one of skimmed milk examined by request. Of two samples taken at a dairy, one is of interest in being the only sample of known purity, so far examined, which has gone below the legal standard of eleven and one-half per cent total solids."

On account of removal from the Kauai building to the new quarters in the Free Dispensary building, the examination of foods other than milk was discontinued during the month.

Local Attorney Arrested.

Deputy Marshal Frank Winter yesterday placed under arrest, Thomas L. Dillon, the attorney, on a warrant issued from the Federal court which charged him with embezzlement. The warrant was issued on the allegation that the attorney as a trustee in a Japanese bankruptcy case misused the funds received, which amounted to about \$750.

The matter was held in abeyance on Tuesday evening, at which time Mr. Dillon was acquainted with the possibility of arrest. He was given until 2 o'clock yesterday afternoon to come into court with the funds. This he failed to do and his arrest followed.

He was taken to Oahu Prison and consigned to the custody of Warden Henry.

Dillon was taken before Commissioner Judd yesterday and his preliminary hearing set for May 7th. Bond was fixed in the amount of \$2,000. The bankruptcy estate in which the alleged shortage occurred is that of K. Kaita.

SETTLEMENT AFFAIRS.

J. D. McVeigh, Superintendent of Settlement, sent in various reports.

When the word for economy was given, he withheld the rations commutation money to the amount of \$2800, and placed the allowance on the basis of \$10 a year as before the 1903 session of the Legislature. His action was approved.

In the matter of the 25lb. ration for each leper prescribed by the Legislature of 1903, Mr. McVeigh reported that to meet the reduced appropriations the ration would have to be reduced. Whenever authority was received, the contractors would be notified to furnish the article in 2lb. bundles. It was voted to adopt the plan.

Dr. A. Mouritz reported on a medical examination he had made at Kamalo. His report was accepted.

W. O. Smith reported the sale of a house, for which he had been agent, at the settlement. Its original cost was \$150 and it had been sold to the German Benevolent Society for \$750, that body to use the house subject to the regulations of the Board.

PRIVILEGES ASKED.

REV. M. E. BOYS wrote to the Board for permission to the people under his pastoral charge to make burials in lot No. 7 of the Palama cemetery. He stated that the people interested them last year yet had given others other plots in lots that had in lot No. 7. At the suggestion of the city military officer Dr. Frost, he approached the pastor and found on investigation that the pastor had no authority to do this.

The pastor denied the charges but agreed to the suggestion to make a plot available. This was done and the pastor has since been the object of the

SOME NEW STEAMERS

Another Project to Benefit This Port.

Honolulu is to get another new steamship line, this time from Tacoma, according to the San Francisco Examiner.

L. P. Hardman of London, an official of a banking house which is to furnish a great deal of money to Sir Charles Rivers Wilson and Charles M. Hays for the extension of their Grand Trunk Railroad overland across the Dominion of Canada to Port Simpson, British Columbia, is a guest at the St. Francis Hotel.

Pending the completion of this new line the Grand Trunk is to put on a line of steamers between Tacoma and Honolulu, Fiji Island, New Zealand and Australia. The new line will have three steamers. In order to reach Tacoma from its western terminus, the Grand Trunk has made a traffic agreement with the Northern Pacific. R. A. Alley, who is arranging for the steamer line, will join Mr. Hardman here in a day or two, the latter in the meantime going south on a flying trip.

"The Grand Trunk's western extension will be known as the Grand Trunk Pacific," said Mr. Hardman in an interview yesterday. "The new overland line will be 1,500 miles shorter from Montreal to Yokohama than the route from New York by way of San Francisco. It will also be 500 miles shorter than the Canadian Pacific route to Victoria."

"The new line will control the rapidly growing business of the Yukon territory. At present that traffic all goes either by Vancouver, Seattle or the southern coast towns. The new line when finished will shorten the distance by rail by 1,000 miles."

"The road will practically follow the surveys originally made by the Canadian Government at a cost of \$5,000,000 for the Canadian Pacific. Owing to a change of government, this route was abandoned and the Canadian Pacific was built further to the south through a less desirable country."

BLACK MILK LIST SMALL IN APRIL

R. A. Duncan, Food Commissioner and Analyst, in his report of the work done in his division of the Board of Health during the month of April, says that sixty-nine milk samples were examined.

Four of the Milk Inspector's samples were found below standard. They were obtained from A. Fernandez, John Freitas and Japanese drivers, respectively, for H. Bell and H. Davids.

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Of two samples taken at a dairy, one is of interest in being the only sample of known purity, so far examined, which has gone below the legal standard of eleven and one-half per cent total solids."

JAPANESE ACQUITTED.

Tokunaga was placed on trial before Judge De Bolt for assault and battery with a weapon. W. S. Fleming and W. T. Rawlins appeared for the prosecution; R. B. Anderson for the defendant. The following jurors were accepted by both sides as drawn: James Blackwell, H. C. Austin, Willard E. Brown, P. Lishman, C. J. Ludwigsen, C. J. Falk, J. R. Galt, G. Kealohapua, John Kildwell, Chas. H. Bellina, Jessie Andrade and Henry P. Kaohi. Both sides had rested at 11:55 a. m. In the afternoon a verdict of not guilty was rendered.

OTHER CRIMINAL CASES.

When Vivian Richardson was called to plead to five indictments for embezzlement of public moneys while he was clerk of Honolulu Water Works, Robertson & Wilder presented a demurrer, on which by consent argument was set for 9 a. m. on Saturday.

G. Harrison, defended by Henry Hogan, pleaded not guilty to indictment for assault with intent to commit murder. His trial was set for 10 a. m. tomorrow.

Kawamoto, indicted for an outrage, had his case continued by his attorney, C. A. Long, until today.

SHIP OTHELLO CASE.

The trial of Henry C. Worth, first mate of the ship Othello for assault with a pistol on a Japanese sailor on board that vessel off Honolulu harbor, had been set for second in order yesterday before Judge De Bolt. It was called after the trial of Tokunaga, but Assistant Attorney General Fleming moved for a continuance until Monday next. Affidavits in support of the motion by High Sheriff A. M. Brown and Mikl, a Japanese officer in the police department, were presented which set forth that Kadoshita, a chief witness for the prosecution, was on the Island of Molokai and could not be brought to Honolulu before Friday or Saturday.

S. F. Chillingworth, attorney for the defendant, strongly opposed the motion, contending for an immediate trial. High Sheriff Brown was placed on the witness stand and testified that the absent witness had to be released from detention, because he was without any means of subsistence in Honolulu and at the time there was no fund for witnesses in criminal cases. He was an eyewitness of the occurrence on the ship. Judge De Bolt granted the continuance.

HUTCHINS WINS POINT.

In an opinion written by Chief Justice Frear and signed by the author and Justice Perry, with a short concurring opinion by Justice Gathright, the motion of District Magistrate Thomas Ali of North Kona, Hawaii, to quash a writ of certiorari in which he is respondent, is denied and the respondent given five days to answer. The writ of certiorari was sued out to stay a writ of possession issued by the district magistrate in favor of Kapolei Estate, Inc., and against William J. Hutchins, trustee of Kona Sugar Co.

The decision holds that, under Act of 1893, relating to certiorari, the court cannot issue a writ of certiorari unless it is filed within ten days of the filing of the writ of possession.

Mr. Hutchins filed his writ of certiorari on April 10, 1904.

The court held that the writ of certiorari was filed within ten days of the filing of the writ of possession.

NEW TRIAL IS STARTED

Axtell's Damage Claim Against Hendricks.

(From Thursday's Advertiser.)

The suit for \$10,000 damages on account of malicious prosecution, brought by J. C. Axtell against H. E. Hendricks, came on for a new trial before Judge Hart at 2 o'clock yesterday afternoon. In the first trial a jury found damages of \$5000 for the plaintiff, but Judge Hart set the verdict aside and granted a motion for a new trial on the ground that the amount was excessive. W. L. Stanley and C. C. Bitting are attorneys for the plaintiff, while A. G. M. Robertson appears for the defendant.

ADMITTED

